

### **REMARKS**

The Office Action mailed July 21, 2004 has been carefully reviewed and, in view of the above amendments and following remarks, reconsideration and allowance of the application are respectfully requested.

#### **I. Summary of Rejections**

The following claim rejections were submitted by the Examiner in the outstanding Office Action:

- Claims 1-3, 5-11, 13-16, 24, 25, 27-33, 35, 38, 41-43, 45-51, 55-61, and 63-69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 2,171,383 to Wettlaufer;
- Claims 1, 6, 7, 17, 21, 41, 54, 64, and 66-68 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 5,683,309 to Reimers;
- Claims 1-10, 13, 15, 16, 18, 24-29, 31, 33, 35, 38, 41-46, 48, 50, 51, 55-57, 59, 61, 64-67, and 69 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Number 3,610,630 to Glover; and
- Claims 12, 19, 20, 22, 23, 36, 37, 39, 40, 52, 53, 62, and 70 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wettlaufer.

#### **II. Summary of Claims**

Claims 1-70 are currently pending in the application, with claims 1, 24, 41, 55, and 64 being independent claims. Claims 1, 55, and 64 are amended in accordance with the above amendments. No claims are cancelled or added. Claims 2-54, 56-63, and 65-70 are unamended and remain, therefore, in their original, as-filed condition.

#### **III. Summary of Applied Prior Art**

##### ***Discussion of Wettlaufer***

Wettlaufer discloses a golf club that incorporates an adjustable weight distribution system. The primary components of the weight distribution system are a plate 30, a stud 31, a boss 32, a nut 33, and a washer 34. Stud 31 is embedded in boss 32 such that a portion of stud 31 extends vertically upward. Plate 30 defines a circular aperture that extends around stud 31 such that a lower surface of plate 30 rests upon boss 32. Washer 34 is then placed around stud

31 to rest upon an upper surface of plate 30. In addition, nut 33 extends around stud 31 and holds each of plate 30 and washer 34 into position. Another bolt 38 and one or more washers 39 may be secured to one or more slots 37 in plate 30. (Wettlaufer, column 3, lines 1-12 and Figures 2-5)

By loosening nut 33, plate 30 may be rotated to a desired position with respect to stud 31. For example, plate 30 may be positioned adjacent one side of a striking face of the club, adjacent another side of the striking face, or at a position therebetween (Wettlaufer, column 3, lines 13-26). In some situations, nut 33 may remain loose such that plate 30 rotates with respect to stud 31 during the golf swing (Wettlaufer, column 3, lines 27-33).

#### *Discussion of Reimers*

Reimers discloses a golf club that incorporates another adjustable weight distribution system. The primary components of the weight distribution system are a balancing disk 32, a first screw 60, and a second screw 68. Balancing disk 32 "is comprised of a circular base portion 46 and a wedge portion 48 which are integrally fashioned together to form a structure that is 'bi-level' in appearance" (Reimers, column 4, lines 26-30). As depicted in Figure 1, for example, balancing disk 32 is positioned adjacent a back surface of the club and first screw 60 extends through a center of balancing disk 32 in order to secure the position of balancing disk 32. Balancing disk 32 may also be rotated around first screw 60 such that wedge portion 48 is oriented to a desired position. Once positioned properly, first screw 60 and second screw 68 are tightened to secure the position of balancing disk 32.

#### *Discussion of Glover*

Glover discloses a golf club that incorporates yet another adjustable weight distribution system. The primary components of the weight distribution system are a pair of shafts 32 and multiple nuts 34. Shafts 32 are generally parallel to each other and are positioned within a hollow space or cavity in the club. Some of the nuts 34 are positioned around one of the shafts 32, and the remainder of the nuts 34 are positioned around the other shaft 32. In order to adjust the weight distribution of the golf club, nuts 34 may be moved along shafts 32.

#### **IV. The Claims Patentably Distinguish Over The Applied Prior Art**

##### *Discussion of Independent Claim 1*

Independent claim 1 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Independent claim 1 recites various features of a golf club head that includes a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support and a weight. The weight is movable along the support and around the support to vary a position of a center of gravity of the golf club head in at least two directions with respect to the face.

Wettlaufer discloses moving plate 30 around stud 31 in order to adjust the weight distribution of the club. Regardless of the rotational position of plate 30, the lower surface of plate 30 rests upon boss 32. That is, plate 30 may rotate with respect to stud 31, but plate 30 does not move along stud 31 when varying a position of a center of gravity of the club. Independent claim 1 recites that the weight is movable along the support and around the support to vary a position of a center of gravity of the golf club head. In contrast with independent claim 1, therefore, Wettlaufer does not teach or suggest the concept of moving a weight along a support when varying a position of a center of gravity.

A further distinction between Wettlaufer and independent claim 1 relates to the directions in which the center of gravity is moved. Rotating plate 30 has the effect of moving the center of gravity from one side of the face to the other side of the face. That is, rotating plate 30 has the effect of moving the center of gravity from a toe side to an opposite heel side, for example. Accordingly, Wettlaufer teaches moving the center of gravity in a single direction. In contrast with independent claim 1, therefore, Wettlaufer does not teach or suggest the concept of varying the position of the center of gravity in at least two directions with respect to the face.

Reimers discloses rotating balancing disk 32 around first screw 60. Regardless of the rotational position of balancing disk 32, a surface of balancing disk 32 rests upon a surface of the club. That is, balancing disk 32 may rotate with respect to first screw 60, but balancing disk 32 does not move along first screw 60 when varying a position of a center of gravity of the club. Independent claim 1 recites that the weight is movable along the support and around the support to vary a position of a center of gravity of the golf club head. In contrast with independent claim 1, therefore, Reimers does not teach or suggest the concept of moving a weight along a support when varying a position of a center of gravity.

Glover discloses moving nuts 34 along shafts 32 in order to adjust the weight distribution of the club. In this system, changes in the center of gravity will occur along a single line. More particularly, moving nuts 34 will have the effect of distributing weight either close to or away from the striking face of the club. Moving nuts 34 will not, however, distribute weight in another direction. Glover, therefore, does not teach or suggest the concept of varying the position of the center of gravity in at least two directions with respect to the face, as recited in independent claim 1.

Based upon the above discussion, the Applicants respectfully submit that independent claim 1 is allowable over each of Wettlaufer, Reimers, and Glover. In addition, the Applicants submit that dependent claims 2-23 are allowable over Wettlaufer, Reimers, and Glover for at least the same reasons.

#### *Discussion of Independent Claim 24*

Independent claim 24 is rejected as being anticipated by Wettlaufer and Glover. Independent claim 24 recites various features of a golf club that includes a shell and a weight positioning system. The shell has a face that provides a contact area for engaging a golf ball. The weight positioning system is substantially located on an interior of the shell, and the weight positioning system includes a support and a weight that is movably-connected to the support. The weight is movable along the support to vary a position of a center of gravity of the golf club head in a first direction with respect to the face, and the support is movable around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face.

As with independent claim 1, independent claim 24 recites moving a weight along a support when varying a position of a center of gravity, and also varying the position of the center of gravity in at least two directions with respect to the face. Accordingly, each of the arguments for Wettlaufer and Glover discussed above also apply to independent claim 24.

Independent claim 24 recites additional features that further distinguish over each of Wettlaufer and Glover. More particularly, independent claim 24 recites (1) moving the weight along the support to vary a position of a center of gravity of the golf club head in a first direction with respect to the face, and (2) moving the weight around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face. In effect, therefore, independent claim 24 recites independent adjustability along and around the support

for moving the weight in two different directions. This feature is not taught or suggested by either Wettlaufer or Glover.

Based upon the above discussion, the Applicants respectfully submit that independent claim 24 is allowable over each of Wettlaufer and Glover. In addition, the Applicants submit that dependent claims 25-40 are allowable over Wettlaufer and Glover for at least the same reasons.

*Discussion of Independent Claim 41*

Independent claim 41 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Independent claim 41 recites various features of a golf club having an elongate shaft and a head positioned on an end of the shaft. The head includes a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support, a weight, and a locking mechanism. The weight is movably-connected to the support. In addition, the weight is independently movable along the support to vary a position of a center of gravity of the golf club head in first direction with respect to the face, and the weight is independently movable around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face. The locking mechanism secures a position of the weight relative to the support.

As with independent claim 24, independent claim 41 recites moving a weight along a support and around the support when varying a position of a center of gravity, and also varying the position of the center of gravity in at least two directions with respect to the face. More particularly, independent claim 41 recites independent adjustability along and around the support for moving the weight in two different directions. That is, independent claim 41 recites (1) moving the weight along the support to vary a position of a center of gravity of the golf club head in a first direction with respect to the face, and (2) moving the weight around the support to vary the position of the center of gravity of the golf club head in a second direction with respect to the face. This feature is not taught or suggested by either Wettlaufer, Reimers, or Glover.

Based upon the above discussion, the Applicants respectfully submit that independent claim 41 is allowable over each of Wettlaufer and Glover. In addition, the Applicants submit that dependent claims 42-54 are allowable over Wettlaufer, Reimers, and Glover for at least the same reasons.

*Discussion of Independent Claims 55 and 64*

Independent claim 55 is rejected as being anticipated by each of Wettlaufer and Glover. Independent claim 64 is rejected as being anticipated by each of Wettlaufer, Reimers, and Glover. Whereas independent claim 55 recites features of a golf club, independent claim 64 recites features of a golf club head. In any event, both claims recite a face and a weight positioning system. The face provides a contact area for engaging a golf ball. The weight positioning system includes a support and a weight. The weight is movable in three dimensions with respect to the support to vary a position of a center of gravity of the golf club head in at least two directions with respect to the face.

Wettlaufer discloses moving plate 30 around stud 31 in order to adjust the weight distribution of the club. Regardless of the rotational position of plate 30, the lower surface of plate 30 rests upon boss 32. That is, plate 30 may rotate with respect to stud 31, but plate 30 does not move along stud 31 when varying a position of a center of gravity of the club. Independent claim 1 recites that the weight is movable in three dimensions to vary a position of a center of gravity of the golf club head. In contrast with independent claims 55 and 64, therefore, Wettlaufer does not teach or suggest the concept of moving a weight in three dimensions when varying a position of a center of gravity.

A further distinction between Wettlaufer and independent claims 55 and 64 relates to the directions in which the center of gravity is moved. Rotating plate 30 has the effect of moving the center of gravity from one side of the face to the other side of the face. That is, rotating plate 30 has the effect of moving the center of gravity from a toe side to an opposite heel side, for example. Accordingly, Wettlaufer teaches moving the center of gravity in a single direction. In contrast with independent claims 55 and 64, therefore, Wettlaufer does not teach or suggest the concept of varying the position of the center of gravity in at least two directions with respect to the face.

Reimers discloses rotating balancing disk 32 around first screw 60. Regardless of the rotational position of balancing disk 32, a surface of balancing disk 32 rests upon a surface of the club. That is, balancing disk 32 may rotate with respect to first screw 60, but balancing disk 32 does not move along first screw 60 when varying a position of a center of gravity of the club. Independent claim 64 recite that the weight is movable in three dimensions to vary a position of a center of gravity of the golf club head. In contrast with independent claim 64, therefore,

Reimers does not teach or suggest the concept of moving a weight in three dimensions when varying a position of a center of gravity.

Glover discloses moving nuts 34 along shafts 32 in order to adjust the weight distribution of the club. In this system, changes in the center of gravity will occur along a single line. More particularly, moving nuts 34 will have the effect of distributing weight either close to or away from the striking face of the club. Moving nuts 34 will not, however, distribute weight in another direction. Glover, therefore, does not teach or suggest the concept of varying the position of the center of gravity in at least two directions with respect to the face, as recited in independent claims 55 and 64.

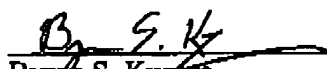
Based upon the above discussion, the Applicants respectfully submit that independent claims 55 and 64 are allowable over each of Wettlaufer, Reimers, and Glover. In addition, the Applicants submit that dependent claims 56-63 and 65-70 are allowable over Wettlaufer, Reimers, and Glover for at least the same reasons.

#### V. Conclusion

In view of the foregoing, the Applicants respectfully submit that all claims are in a condition for allowance. The Applicants respectfully request, therefore, that the rejections be withdrawn and that this application now be allowed.

This Amendment is being timely filed by facsimile transmission on October 11, 2004. Should additional fees or an extension of time be deemed necessary for consideration of this Amendment, such fees or extension are hereby requested and the Commissioner is authorized to charge deposit account number 19-0733 for the payment of the requisite fee. If anything further is desirable to place the application in even better form for allowance, the Examiner is respectfully requested to telephone the undersigned representative at (503) 425-6800.

Respectfully submitted,

By:   
Byron S. Kuzara  
Registration No. 51,255

Banner & Witcoff, Ltd.  
1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Telephone: (202) 824-3000  
Dated: October 11, 2004